

REMARKS

The application included claims 1, 2, 4-12, 14-20, 22, and 24-35 prior to entering this amendment.

The Applicant amends claims 1, 4, 11, 14, 16, 22, 24, 26, and 30-32 and cancels claim 35 without prejudice. No new matter is added.

The application remains with claims 1, 2, 4-12, 14-20, 22, and 24-34 after entering this amendment.

Summary of Telephonic Examiner Interview

Applicant's Attorney spoke with Examiner Callahan on January 27, 2010 to discuss the rejection of claim 1 and the Cowie reference. Examiner Callahan agreed that the present amendment of claim 1 would overcome the rejection under Callahan and would result in the finality of the office action being removed in response to filing this amendment after final, and without filing a request for continued examination. Applicant thanks Examiner Callahan for his consideration.

Allowable Subject Matter

The Examiner objected to claims 7, 17, and 27, but indicated that they would be allowable if rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter and the proposed amendment.

While Applicant agrees with the Examiner that these claims are allowable, Applicant respectfully declines to amend claims 7, 17, and 27 on the basis that the independent claims 1, 11, or 31, upon which they depend, are themselves allowable as discussed below with respect to the 35 U.S.C. § 103 rejection.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 35 under 35 U.S.C. § 112, second paragraph.

Without conceding the propriety of the rejection, Applicant cancels claim 35, making the rejection moot.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 4-6, 8-12, 14-16, 18-20, 22, 24-26, and 28-35 under 35 U.S.C. § 103(a) over Cowie *et al.* (U.S. Patent Application Publication No. 2003/0023865), and variously in view of Pierre Richer: SANS/GIAC Practical Assignment for GSEC Certification Version 1.4b: Steganalysis: Detecting hidden information with computer forensic analysis, SANS Institute 2003 and Charbonneau (U.S. Patent 7,526,654).

The rejection is traversed. Applicant respectfully submits that the Examiner failed to meet the legal burden of establishing a *prima facie* case of obviousness under MPEP 2142. The combination of references does not teach or suggest all the claim elements.

Whereas the rejection is traversed, Applicant amends claims 1, 4, 11, 14, 16, 22, 24, 26, and 30-32 for grammatical purposes or to further clarify the claim language in order to expedite prosecution, and without prejudice to pursuing the claims as previously presented or in other forms in a continuation or other application. For example, claim 1 recites a method, comprising:

- obtaining a signature by reading executable code comprising a partial section of a steganographic program, wherein the steganographic program is configured to introduce steganographic items into a computer file;
- comparing the signature with one or more computer files; and
- displaying a listing of which of the one or more computer files provide a match with the signature.

According to Cowie, fingerprint data indicative of predetermined characteristics of resource data are used to compare the suspect file with the library of Trojans and worms (paragraph 0012). The executable code of the suspect file is not used as a signature; rather, Cowie's fingerprint is comprised of data indicia such as the data check sum or time stamp (paragraphs 0015-0018).

Additionally, Cowie teaches away from reading any executable code by describing that in order to read the code of the packed files, one would have to decompress the files (paragraphs 0005). Cowie discloses that his data indicia may be identified without decompressing the files and therefore, it follows that that data indicia is determined without reading any executable code (paragraph 00012).

Claims 11 and 31 are believed to be allowable over the cited art for similar reasons as claim 1. Claim 35 is cancelled without prejudice. As claims 2, 4-6, 8-10, 12, 14-16, 18-20, 22, 24-26, 28-30, and 32-34 depend directly or indirectly from independent claims 1, 11, or 31, the

comments and revisions directed above to claims 1, 11, or 31 apply equally to claims 2, 4-6, 8-10, 12, 14-16, 18-20, 22, 24-26, 28-30, and 32-34, respectively. In addition, claims 2, 4-6, 8-10, 12, 14-16, 18-20, 22, 24-26, 28-30, and 32-34 recite further subject matter. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 4-6, 8-12, 14-16, 18-20, 22, 24-26, and 28-34 is respectfully requested.

Any statements made by the Examiner that are not addressed by the Applicant do not necessarily constitute agreement by the Applicant. In some cases, the Applicant may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is encouraged to telephone the undersigned at (503) 546-1812 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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A handwritten signature in cursive script, reading "Bryan Kirkpatrick", written over a horizontal line.

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